

STATE OF NEW YORK

8241

2023-2024 Regular Sessions

IN ASSEMBLY

November 6, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to requiring all municipalities to update all applicable forms and data systems to include a gender "x" option

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 79-q of the civil rights law, as added by section
2 1 of part R of chapter 58 of the laws of 2022, is amended to read as
3 follows:

4 § 79-q. Collection of gender or sex designation information [~~by state~~
5 ~~agencies~~]. 1. All New York state agencies and municipalities that
6 collect demographic information about a person's gender or sex shall
7 make available to the person at the point of data collection an option
8 to mark their gender or sex as "x".

9 2. Where applicable federal law requires a state agency or munici-
10 pality to collect sex or gender data as either "m" or "f", the state
11 agency or municipality shall create a separate field for state purposes
12 so that a person has the option to mark their gender or sex as "x" to be
13 collected by the state.

14 3. All state agencies shall update any applicable physical and online
15 forms or data systems by January first, two thousand twenty-three,
16 except the department of labor, the office of children and family
17 services, the office of temporary and disability assistance and the
18 division of criminal justice services, which shall update any applicable
19 forms or data systems by January first, two thousand twenty-four. All
20 municipalities shall update any applicable physical and online forms
21 or data systems by January first, two thousand twenty-six.

22 4. A state agency or municipality that cannot comply with the require-
23 ments of this section shall, at least sixty days before the applicable
24 deadline, post publicly on its website a written progress report that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 describes with specificity the steps the agency or municipality has
2 taken to comply with this section, the impediments that prevented
3 compliance, the efforts undertaken by the agency or municipality to come
4 into compliance, and an estimated time frame for compliance and municipi-
5 palities shall transmit this report to the Governor's office. The writ-
6 ten report shall be updated every six months from the date of the
7 original posting.

8 5. By January first, two thousand twenty-five, the governor shall post
9 on a publicly available website and submit to the temporary president of
10 the senate and the speaker of the assembly a written report listing
11 every agency that has not yet complied with this section. Such report
12 shall include the latest progress reports for each non-compliant agency.

13 By April first, two thousand twenty-six, the governor shall post on a
14 publicly available website and submit to the temporary president of the
15 senate and the speaker of the assembly a written report listing
16 every municipality that has not yet complied with this section. Such

17 annual [~~report~~] reports shall be updated every year by January first;
18 provided that once all agencies or municipalities have complied with the
19 requirements of this section, the governor shall post on a publicly
20 available website and submit to the temporary president of the senate
21 and the speaker of the assembly a certification of compliance with this
22 section, and no further annual [~~report~~] reports shall be required.

23 § 2. This act shall take effect immediately.